

Please add new claims 17 and 18 as follows:

B<sup>2</sup>  
--17. A DNA structure which contains the gene which codes for pp28 or an immunogenic part of pp28 which is located in the region of the HindIII R fragment from the genome of human cytomegalovirus strain Ad169 or a fragment equivalent thereto from another human cytomegalovirus strain.

18. A DNA structure as claimed in claim 17, wherein the gene is located on a 1.0 kb SmaI fragment within the HindIII R fragment.--

REMARKS

Applicants have amended the claims for the Examiner's consideration prior to the examination of the application. Specifically, claims 1-4 and 6 were cancelled. Claims 5 and 7 were amended and claims 17 and 18 were added. Thus, claims 5, 7, 8, 17 and 18 are pending. Applicants assert there is no issue of new matter.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this amendment, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. § 1.16 or §1.17 which are not enclosed herewith,

including any fees required for an extension of time under  
37 C.F.R. § 1.136, please charge such fees to our Deposit Account  
No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER

By: 

M. Paul Barker  
Reg. No. 32,013

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